

H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK

CHAPTER II - USING CATEGORICAL EXCLUSIONS

A. General. Categorical exclusions are categories of actions which Federal agencies have determined do not have a significant effect on the quality of the human environment (individually or cumulatively) and for which, therefore, neither an EA nor an EIS is generally required (40 CFR 1508.4). The BLM managers are encouraged to apply categorical exclusions, where appropriate, because they reduce paperwork and speed the decisionmaking process. Departmental policy requires that categorically excluded actions be subjected to sufficient environmental review to determine whether they meet any of the exceptions to categorical exclusion (516 DM 2). This means that each time a specific categorical exclusion is used, the required review must be done.

NOTE: An EA may be prepared for proposed actions otherwise excluded when the manager thinks an EA would be helpful in planning or decisionmaking (40 CFR 1501.3 and 516 DM 3.2 B).

B. Procedures for Conducting a Categorical Exclusion Review.

1. Ensure Conformance with the Land Use Plan. Review the applicable plan to ensure that the proposed action is in conformance with it. If it is not in conformance, the manager responsible for authorizing the action should either reject the proposed action, modify the proposed action so it conforms with the approved land use plan, or determine if the proposed action warrants further consideration through a plan amendment. For a plan amendment, the appropriate NEPA analysis would be an EA or EIS.

2. Identify Potential Exclusion Category. Review the Departmental and BLM lists of categorical exclusions (see Appendix 3) to determine if the proposed action falls into one of the listed categories.

3. Review Exceptions to Categorical Exclusion. Check the proposed action against the list of exceptions (see Appendix 4) to determine if any of them apply.

a. If it is determined that one or more exceptions apply to the proposed action, determine whether the proposal can be modified to prevent it from triggering the exceptions. If this can be done and, if applicable, the proponent agrees to the change, then the proposed action may be modified and categorically excluded. If modifications are not possible, or the proponent refuses to accept a change, prepare an EA or EIS.

b. If it is determined that none of the exceptions apply to the proposed action (or modified action), then it may be categorically excluded.

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C. Documentation of Categorical Exclusion Review. There are no statutory, regulatory, or manual requirements to document a categorical exclusion review. To assure a clear record of NEPA compliance, however, managers may choose to indicate in the appropriate case/project file, in the decision record, or in any other authorizing document that an action has been excluded. The Optional Plan Conformance/NEPA Compliance Record may be used for such documentation (see Chapter III, Illustration 1).